

§ 101-43.304-3 Excess personal property on or within excess real property.

Excess related personal property as defined in § 101-43.001-27 shall be reported to GSA in accordance with part 101-47 of this chapter. Excess personal property, other than related personal property, which may be located on or within excess real property, shall be governed by this part. The fact that the excess personal property is located on or within excess real property shall be noted on the report.

§ 101-43.304-4 Property at installations due to be discontinued.

Executive agencies that have installations which are due to be discontinued, closed, or abandoned and at which there will be excess personal property shall, unless inadvisable in the interest of national security, give advance notice of such situations as early as possible by letter to the appropriate GSA regional office. In such cases, agencies shall identify the installations to be discontinued, provide the scheduled date for the removal of personnel from the location, and specify the last date when the personal property will be needed. As soon as possible after filing advance notice, the excess personal property shall be reported in accordance with § 101-43.304-1 to provide time for screening for Federal utilization and donation purposes. Seventy-five calendar days are usually required.

§ 101-43.305 Property not required to be formally reported.

(a) Excess property which is not required to be formally reported to GSA under § 101-43.304 is a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for its expeditious transfer. Holding agencies shall cooperate with GSA representatives in making information available and in providing access to the non-reportable excess personal property. Federal agency employees shall be permitted access to holding installations for screening purposes upon presentation of a valid Federal agency em-

ployee's identification card. Holding agencies shall make reasonable efforts to obtain utilization among other Federal agencies of property not covered by GSA utilization screening processes. In the case of controlled substances, solicitation shall be limited to those agencies authorized for transfer under § 101-42.1102-3 provisions.

(b) Unless otherwise directed by GSA, the following excess personal property shall not be reported:

(1) Perishables, defined for purposes of this section as any foodstuffs which are subject to spoilage or decay;

(2) Property dangerous to public health and safety (see paragraph (d) of this section);

(3) Scrap and/or salvage, provided the property strictly conforms to the definitions for scrap and/or salvage (§§ 101-43.001-28 and 101-43.001-29);

(4) Property determined by competent authority to be classified or otherwise sensitive for reasons of national security;

(5) Other items excepted from the requirement to be reported as listed in § 101-43.4801;

(6) Otherwise reportable property which, prior to reporting as required in § 101-43.304, is transferred directly between Federal agencies as provided in § 101-43.309-5(a) or by prearrangement with GSA to fill a known need;

(7) Trading stamps and bonus goods (see § 101-25.103-4); and

(8) Nonappropriated fund property (see § 101-43.307-7).

(c) Nuclear Regulatory Commission-controlled materials are exempt from reporting to GSA as excess personal property. Transfers of such materials shall be made under provisions under § 101-42.1102-4 and applicable NRC regulations. (See 10 CFR parts 30, 40, and 70.)

(d) In the case of hazardous materials, all the restrictions, limitations, and guidelines prescribed in part 101-42 shall apply.

[57 FR 39135, Aug. 28, 1992]

§ 101-43.306 Assistance in emergency and major disaster relief.

In accordance with instructions of the Administrator, Federal Disaster

Federal Property Management Regulations

§ 101-43.307-4

Assistance Administration, Department of Housing and Urban Development, or his designee, excess personal property shall be utilized in behalf of or loaned to State and local governments, with or without compensation therefor, pursuant to the Disaster Relief Act of 1974 (Pub. L. 93-288) and Executive Order 11795 of July 11, 1974, to provide assistance to State and local governments in alleviating suffering and damage resulting from any emergency or major disaster. Excess medicines, foods, and other consumable supplies may be distributed to State and local governments for these purposes. In the event such property has been reported to GSA pursuant to § 101-43.304, it shall be withdrawn by the holding agency pursuant to § 101-43.308.

§ 101-43.307 Items requiring special handling.

§ 101-43.307-1 Contractor inventory.

Subject to the limitations contained in this part and in parts 101-44 and 101-45, any executive agency may authorize any of its contractors or their subcontractors to retain or dispose of any contractor inventory pursuant to Federal Acquisition Regulation (48 CFR subpart 45.6) and under such orders as such agency may prescribe. In the case of contractor-owned contractor inventory, compliance with the utilization requirements and procedures in this part should ordinarily occur prior to the Government's exercising the applicable option to take over such property. When utilization efforts disclose that an agency will accept transfer of such property, the appropriate agency shall take the necessary action to acquire title for the Government.

§ 101-43.307-2 Hazardous materials.

Special handling requirements for hazardous materials and certain other categories of property are prescribed in part 101-42.

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§ 101-43.307-3 Conditional gifts for defense purposes.

(a) Any agency receiving an offer of a conditional gift (other than money or intangible property) for a particular defense purpose within the purview of

the Act of July 27, 1954 (50 U.S.C. 1151-1156) shall notify the appropriate GSA regional office and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to a GSA regional office but shall not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recommendation to the regional office.

(c) When the gift is determined acceptable and can be used in the form in which offered, it will be transferred without reimbursement to a Federal agency designated by GSA for use for the particular purpose for which it was donated.

(d) If the gift is one which GSA determines shall be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, as provided in Treasury Department Circular No. 957, dated February 24, 1955.

(e) Such conditional gifts of property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA only after consultation with the interested agencies.

(f) GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

§ 101-43.307-4 Conditional gifts to reduce the public debt.

(a) Pursuant to 31 U.S.C. 3113, gifts may be made to the United States on the sole condition that the property be sold and the proceeds used to reduce the public debt. Any agency receiving an offer of a gift (other than money or intangible property) for such purpose shall notify the appropriate GSA regional office and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor